

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michele Sanicola-Nadel *et al.*

Application No.: 10/693538

Confirmation No.: 4018

Filed: October 23, 2003

Art Unit: 1643

For: CRIPTO BLOCKING ANTIBODIES AND  
USES THEREOF

Examiner: Tungaturthi, Parithosh K.

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION**

Dear Sir:

I, Megan E. Williams, hereby declare that:

1. I am the Attorney for BiogenIdec, Inc., the assignee of the above-identified application.
2. The hybridoma referred to as A27F6.1 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3310. A copy of the deposit contract is submitted herewith.
3. The hybridoma referred to as A10B2.18 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3311. A copy of the deposit contract is submitted herewith.
4. The hybridoma referred to as A18B3.11 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3312. A copy of the deposit contract is submitted herewith.
5. The hybridoma referred to as B6G7.10 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the

terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3313. A copy of the deposit contract is submitted herewith.

6. The hybridoma referred to as A17G12.1 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3314. A copy of the deposit contract is submitted herewith.

7. The hybridoma referred to as A8H3.1 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3315. A copy of the deposit contract is submitted herewith.

8. The hybridoma referred to as A40G12.8 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3316. A copy of the deposit contract is submitted herewith.

9. The hybridoma referred to as A8G3.5 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3317. A copy of the deposit contract is submitted herewith.

10. The hybridoma referred to as A6F8.6 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3318. A copy of the deposit contract is submitted herewith.

11. The hybridoma referred to as B3F6.17 was deposited at the American Type Culture Collection at 12301 Parklawn Drive, Rockville, MD 20852, under the terms of the Budapest Treaty on April 19, 2001, and has been assigned ATCC Accession No. PTA-3319. A copy of the deposit contract is submitted herewith.

12. The hybridomas A27F6.1, A10B2.18, A18B3.11, B6G7.10, A17G12.1, A8H3.1, A40G12.8, A8G3.5, A6F8.6 and B3F6.17 have been deposited under conditions that assure that access to the material will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. §122.

13. During the pendency of the above-identified patent application, access to the deposits will be afforded to the Commissioner upon request.

14. Upon granting of a patent on the above-identified patent application, all restrictions on the availability to the public of the hybridomas A27F6.1, A10B2.18, A18B3.11, B6G7.10, A17G12.1, A8H3.1, A40G12.8, A8G3.5, A6F8.6 and B3F6.17 will be irrevocably and without restriction or condition removed.

**BEST AVAILABLE COPY**

15. The hybridomas A27F6.1, A10B2.18, A18B3.11, B6G7.10, A17G12.1, A8H3.1, A40G12.8, A8G3.5, A6F8.6 and B3F6.17 will be maintained with all the care necessary to keep them viable and uncontaminated for a period of at least five years after the most recent request for furnishing of a sample of the deposited cell line, and, in any case, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

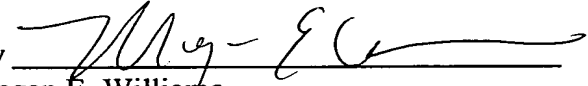
16. The viability of the hybridomas A27F6.1, A10B2.18, A18B3.11, B6G7.10, A17G12.1, A8H3.1, A40G12.8, A8G3.5, A6F8.6 and B3F6.17 was tested at the time the deposits were made and the tests indicated that the hybridomas A27F6.1, A10B2.18, A18B3.11, B6G7.10, A17G12.1, A8H3.1, A40G12.8, A8G3.5, A6F8.6 and B3F6.17 were viable.

17. If the hybridomas A27F6.1, A10B2.18, A18B3.11, B6G7.10, A17G12.1, A8H3.1, A40G12.8, A8G3.5, A6F8.6 and B3F6.17 become nonviable or non-replicable, the deposit(s) shall be replaced.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issued thereon.

Dated: August 16, 2006

Respectfully submitted,

By   
Megan E. Williams  
Registration No. 43,270  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent for Applicants

# ATCC



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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

Biogen, Inc.  
Attn: Christopher D. Benjamin  
14 Cambridge Center  
Cambridge, MA 02142

Deposited on Behalf of: Biogen, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Hybridoma: CR-1  
Hybridoma: CR-2  
Hybridoma: CR-3  
Hybridoma: CR-4

PTA-3310  
PTA-3311  
PTA-3312  
PTA-3313

The deposits were accompanied by:    a scientific description, a proposed taxonomic description indicated above. The deposits were received April 12, 2001 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested May 31, 2001. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Tanya Nunnally, Patent Specialist, Patent Depository

Date: June 27, 2001

cc: Dr. Nikki Cox  
(Ref: Docket or Case No.: A117)

# ATCC

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

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Biogen, Inc.  
Attn: Christopher D. Benjamin  
14 Cambridge Center  
Cambridge, MA 02142

Deposited on Behalf of: Biogen, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Hybridoma: CR-5  
Hybridoma: CR-6  
Hybridoma: CR-7  
Hybridoma: CR-8  
Hybridoma: CR-9

PTA-3314  
PTA-3315  
PTA-3316  
PTA-3317  
PTA-3318

The deposits were accompanied by:    a scientific description, a proposed taxonomic description indicated above. The deposits were received April 19, 2001 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested June 6, 2001. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Tanya Nunnally, Patent Specialist, Patent Depository

Date: June 27, 2001

cc: Dr. Niki Cox  
(Ref: Docket or Case No.: A117)

# ATCC

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Biogen, Inc.  
Attn: Christopher D. Benjamin  
14 Cambridge Center  
Cambridge, MA 02142

Deposited on Behalf of: Biogen, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

Hybridoma: CR-10

PTA-3319

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received April 12, 2001 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested June 14, 2001. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Tanya Nunnally, Patent Specialist, Patent Depository

Date: June 27, 2001

cc: Dr. Nikl Cox  
(Ref. Docket or Case No.: A(17))

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